

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Alea R. Kennedy,

Plaintiff(s),

vs.

Avanti Residential, LLC, *et al.*,

Defendant(s).

2:24-cv-00489-RFB-MDC

Report and Recommendation

The Court previously deferred addressing pro se plaintiff Alea R. Kennedy's Application to Proceed *In Forma Pauperis* ("IFP") and instead ordered plaintiff to file a brief showing cause why her Complaint should not be dismissed as duplicative and/or frivolous. ECF No. 4. The Court noted that plaintiff had filed numerous identical complaints in the District of Colorado.¹ *Id.* The Court ordered her to file her brief by May 1, 2024. *Id.* The Court warned plaintiff that failing to timely comply with the Order may result in a recommendation that her case be dismissed. *Id.* Plaintiff failed to timely comply with my Order.

For reasons discussed in the Court's earlier Order (ECF No. 4), plaintiff's case should be dismissed. Plaintiff will not be prejudiced because she has an opportunity to object to this report and recommendation.

ACCORDINGLY,

IT IS RECOMMENDED that:

1. The action be DISMISSED; and
2. The IFP (ECF No. 1) be DENIED AS MOOT.

¹ *Kennedy (PS) v. Modivcare Solutions, LLC*, Case No. 1:23-cv-03327-SBP; *Kennedy (PS) v. Greystar Real Estate Partners LLC et al*, Case No. 1:23-cv-03328-SBP; *Kennedy (PS) v. Priderock Capital Partners, LLC*; Case No. 1:23-cv-03331-SBP; *Kennedy (PS) v. Transcat, Inc.*, Case No. 1:23-cv-03332-SBP; *Kennedy (PS) v. American Lighting Inc*, Case No. 1:23-cv-03334-SBP; *Kennedy (PS) v. Greystar Real Estate Partners, LLC et al*, Case No. 1:23-cv-03426-SBP; *Kennedy (PS) v. Apartment Investment Management Co.*, Case No. 1:24-cv-00696-SBP; *Kennedy (PS) v. Greystar Real Estate Partners et al*, Case No. 1:24-cv-00702-SBP; *Kennedy (PS) v. Cushman Wakefield, Inc. et al*, Case No. 1:24-cv-00703-SBP

NOTICE

Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any change of address. The notification must include proof of service upon each opposing party's attorney, or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may result in dismissal of the action.

DATED this 6th day of May 2024.

IT IS SO RECOMMENDED.



Hon. Maximiliano D. Couvillier III
United States Magistrate Judge